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District of Oregon

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

**\$9,000.00 IN UNITED STATES
CURRENCY, *in rem*,**

Defendant.

Case No. 3:19-cv-01197-BR

**COMPLAINT, *in rem*, FOR
FORFEITURE**

Plaintiff, United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Alexis A. Lien, Assistant United States Attorney, for its Complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

II.

Defendant, *in rem*, \$9,000.00 in United States currency, was seized in the District of Oregon, and is now and during the pendency of this action will be within the jurisdiction of this Court.

III.

Defendant, *in rem*, \$9,000.00 in United States currency, represents proceeds traceable to an exchange for controlled substances or was used or intended to be used to facilitate such a transaction in violation of 21 U.S.C. § 801, *et. seq.*, and is forfeitable to the United States pursuant to the provisions of 21 U.S.C. § 881(a)(6), as more particularly set forth in the Declaration of Postal Inspector Adam Sale, United States Postal Inspection Service, marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, Plaintiff, United States of America, prays that due process issue to enforce the forfeiture of Defendant, *in rem*, \$9,000.00 in United States currency, that due notice be given to all interested persons to appear and show cause why forfeiture of this Defendant, *in rem*, should not be decreed; that due proceedings be had thereon; that this Defendant be forfeited to the United States; that the Plaintiff United States of America be awarded its costs and disbursements incurred in this action.

Dated: August 2, 2019.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

/s/ Alexis A. Lien
ALEXIS A. LIEN
Assistant United States Attorney

VERIFICATION

I, ADAM SALE, declare, under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Postal Inspector with the United States Postal Inspection Service, and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

/s/ Adam Sale
ADAM SALE
Postal Inspector
United States Postal Inspection Service

DECLARATION OF ADAM SALE

I, Adam Sale, do hereby declare:

PURPOSE OF THIS DECLARATION

1. This declaration is submitted in support of a complaint, *in rem*, for forfeiture of \$9,000.00 in U.S. currency. The information contained in this declaration is based on an investigation conducted by United States Postal Inspector Adam Sale and will show that \$9,000.00 in U.S. currency from U.S. Priority Mail Express parcel EE161740207US (hereinafter “Subject Parcel”) is subject to forfeiture pursuant to 21 U.S.C § 881(a)(6), as moneys furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to such an exchange, or moneys used or intended to be used to facilitate violations of 21 U.S.C. § 801, *et seq.* Information contained in this declaration is based upon my personal observations, training, and experience, and that of other law enforcement officers. This declaration does not contain each and every fact that I know about this investigation, only those necessary to establish probable cause to believe the seized currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

AGENT BACKGROUND AND TRAINING

2. I am a Postal Inspector with the United States Postal Inspection Service (USPIS) and have been since 2014. I am currently assigned to the Portland, Oregon Domicile Office of the USPIS. As a U.S. Postal Inspector, I am authorized to investigate crimes involving offenses relating to the United States Postal Service (USPS). As part of my duties, I investigate incidents where the United States mail system is used for the purpose of transporting non-mailable matter,

including controlled substances such as marijuana, cocaine, methamphetamine, and heroin, as well as proceeds of the sale of controlled substances.

3. As a Postal Inspector, I am empowered by 18 U.S.C. § 3061 to conduct investigations and to make arrests for offenses against the United States. My current assignment is as an Inspector in the Portland, Oregon Domicile Office of the Inspection Service. My training and experience includes a Bachelor of Science in Physics. From April 2004 to July 2014, I served as a U.S. Secret Service Special Agent. Prior to my U.S. Secret Service career, I served eight years in the Army achieving the rank of Captain.

4. In May 2004, I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (F.L.E.T.C.) in Glynco, Georgia. This training covered the investigation of violations of federal laws, the process of criminal investigations, and the judicial process. Following the training at F.L.E.T.C., I attended the Secret Service training academy in Beltsville, Maryland. This training focused specifically on investigating violations of the federal laws that the Secret Service investigates, including bank fraud, wire fraud, counterfeiting, and cyber-crimes.

5. During the course of my employment with the Inspection Service and the Secret Service, I conducted or participated in criminal investigations involving burglary, robbery, assault, mail theft, identity theft, credit card fraud, bank fraud, threatening communications, threats against protectees of the U.S. Secret Service, the manufacture of counterfeit currency, mail fraud, the unlawful mailing of dangerous controlled substances, the fraudulent use of stolen or forged Postal Money Orders, the fraudulent use of stolen credit card information to purchase merchandise, and

the shipping of that merchandise through the U.S. Mail. In September 2014, I completed a USPS training course on Prohibited Mailings involving narcotics.

BACKGROUND ON CONTROLLED SUBSTANCES SENT THROUGH THE U.S. MAIL

6. I know from my training and experience that drug traffickers frequently use U.S. Postal Service Priority Mail Express and Priority Mail services to ship controlled substances, including marijuana, cocaine, heroin, and methamphetamine. I know from my training and experience that illegal drug recipients often use U.S. Postal Service Priority Mail Express and Priority Mail services to ship the proceeds of the illegal sale of controlled substances, or moneys used or intended to be used to facilitate the illegal sale of controlled substances, in cash, or other controlled substances, to suppliers of controlled substances. I know from training and discussions with other law enforcement officers that these controlled substances, proceeds of the illegal sale of controlled substances, and funds related to the facilitation of the illegal sale of controlled substances are often found during parcel investigations and interdictions.

7. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know Oregon is a marijuana source state for the mailing of controlled substances to destination locations across the United States. Current Oregon state laws permitting the recreational and medical growth, purchase, and possession of marijuana provide individuals with significant quantities of marijuana, which can be illegally mailed to other states where marijuana is illegal or less available. Accordingly, marijuana sales are substantially more profitable outside the state of Oregon than they are inside the state of Oregon. I know from

my training and experience that controlled substances, especially marijuana, are frequently mailed from Oregon to other states and that cash payments are mailed back to Oregon drug suppliers in return.

8. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know that certain indicators often exist when drug traffickers use the U.S. mails to ship controlled substances, proceeds of the sale of controlled substances, or funds to facilitate the sale of controlled substances from one location to another.

9. Drug traffickers use U.S. Postal Service Priority Mail Express and Priority Mail services because of the reliability of delivery, speed of delivery, low cost, the customer's ability to track the package's shipment online, as well as the low risk of detection by law enforcement. Shippers using U.S. Postal Service Priority Mail Express and Priority Mail services pay for the benefit of being able to confirm the delivery of the parcel by checking the U.S. Postal Service website or calling a toll-free number.

10. I know from my training and experience that U.S. Postal Service Priority Mail Express is used primarily for business-related mailings. Unlike typical U.S. Postal Service Priority Mail Express business mailings, which usually have typed labels, packages containing controlled substances, proceeds, and/or facilitation funds often have handwritten address information. The handwritten label on U.S. Postal Service Priority Mail Express packages containing controlled substances and/or proceeds usually does not contain a business account number and/or credit card number. This is an indication that the sender likely paid cash. A credit card or business account number would better enable law enforcement officers to connect the package to identifiable

individuals. I further know that drug traffickers who use U.S. Postal Service Priority Mail Express services often either waive or do not request a recipient signature upon delivery of the mail parcel. This can allow the parcel to be delivered without the addressee or the addressee's agent having to sign for the parcel, contingent upon the parcel being left in a secure location at the address.

11. I know from my training and experience that drug traffickers who mail controlled substances, and the drug purchasers who send payment in the form of cash or other drugs, often use false or incomplete information in labeling the parcels. In this way, drug traffickers can distance themselves from the package containing controlled substances, the proceeds of the sale of the controlled substances, or facilitation funds in the event the package is intercepted by law enforcement.

12. I know from my training and experience that drug traffickers who mail controlled substances, proceeds of the illegal sale of controlled substances, and facilitation funds are often aware that parcels are inspected by trained canines. Accordingly, drug traffickers often attempt to wrap their parcels, and the contents of their parcels, in a manner they believe will disguise the odor and contents of the items in the parcels. In order to conceal the distinctive smell of controlled substances from certified controlled substance detection canines, these packages are sometimes sealed with the use of tape around the seams. Also, the parcels often contain other parcels which are carefully sealed to prevent the escape of odors. Sometimes perfumes, coffee, dryer sheets, tobacco, or other strong-smelling substances are used to mask the odor of the controlled substances, proceeds of the illegal sale of controlled substances, and/or facilitation funds being shipped.

SUMMARY OF INVESTIGATION OF THE SUBJECT PARCEL

13. On April 10, 2018, at approximately 5:45 a.m., I went to the Portland Air Cargo Center (“P.A.C.C.”), located at 7425 Airtrans Way, Portland, Oregon as part of my regular investigatory duties with members of the Portland, Oregon High Intensity Drug Trafficking Area Interdiction Taskforce (“H.I.T.”). I reviewed parcels for delivery in Oregon mailed from other states. While reviewing parcels I noticed Subject Parcel 1, and saw that the parcel was addressed from “Mr. Berry, PO Box 2750, Corvallis, OR 97339” to “Mr. Berry, PO Box 2750, Corvallis, OR 97339.” The scheduled date of delivery was April 10, 2018 before 3:00 PM. The mailer paid \$24.70 in cash to purchase the postage.

14. The Subject Parcel is described as follows:

U.S. Priority Mail Express parcel number: EE161740207US

Sender name and address: Mr. Berry
PO Box 2750
Corvallis, OR 97339

Recipient name and address: Mr. Berry
PO Box 2750
Corvallis, OR 97339

Parcel Type: Express Mail Cardboard Envelope

Parcel Weight: 1 pound, 2 ounces

15. The “Signature Required” service on U.S. Priority Mail Express parcels requires the parcel be received by an individual who must sign for the parcel and provide their name. I

Declaration of Adam Sale

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FOR FORFEITURE

know from my training and experience that drug traffickers who mail controlled substances, and the drug purchasers who send payment in the form of cash or other drugs, normally do not request the Signature Required service to avoid law enforcement identifying the true recipient of parcels. In this way, drug traffickers can distance themselves from the package containing controlled substances or from the proceeds of the sale of the controlled substances in the event the package is intercepted by law enforcement. I observed the Signature Required box on the label of the Subject Parcel was not checked by the mailer.

16. I know people use the U.S. Priority Mail Express services for parcels containing items they consider valuable, important or requiring rapid delivery, and will often include their phone number on the mailing label spaces provided so the postal service may contact them in the event a parcel is mis-shipped, damaged, or the delivery address is illegible. The area provided for the sender's telephone number on the Subject Parcel displayed a phone number, but the recipient telephone number area was left blank. Based on my training and experience, I know drug traffickers often choose not to include a phone number on parcels or provide incorrect phone numbers as they are often aware that phone numbers can be traceable to their own names or physical location. Law enforcement database searches for the phone number displayed for the sender showed the number is assigned to the Ashland Community Hospital, Ashland, Oregon.

17. The Subject Parcel's mailing label was handwritten and appeared to be addressed from a private individual to the same private individual.

18. Searches of law enforcement and open source databases returned that Mr. Berry was not associated with either the sender or recipient addresses.

19. Continuing on April 10, 2018, H.I.T. Officer S. Groshong, a Certified Controlled Substance Dog Handler, and his certified controlled substance detection dog, Rex, were with me at the P.A.C.C. I prepared a “line” of parcels of similar size and appearance to the Subject Parcel. H.I.T. Officer Groshong and Rex “proofed” the line and the area surrounding the line. Proofing a line of parcels is the process by which a controlled substance dog handler deploys a controlled substance detection dog on a line of control parcels to confirm that none of the control parcels are emitting the odor of controlled substance the controlled substance detection dog is trained to detect. Officer Groshong stated Rex did not alert to the presence of the odor of controlled substance on the parcels in the line or the area surrounding the line at that time.

20. Officer Groshong and Rex left the immediate area and I put the Subject Parcel in the line in a position unknown to Officer Groshong and Rex. Officer Groshong returned to the line and deployed Rex on the line of parcels. Officer Groshong told me Rex alerted, in the manner he is trained, to the presence of the odor of controlled substance on the Subject Parcel. Rex did not alert to any of the other parcels in the line.

21. Continuing on April 10, 2018, at approximately 7:05 a.m., I scanned the Subject Parcel “Seized by Law Enforcement” in the USPS Product Tracking and Reporting (“PTR”) system. The PTR system allows customers to check and/or receive updates to the progress of parcels as they travel through the USPS delivery system. The “Seized by Law Enforcement” entry tells the customer to contact the USPIS to make inquiries about the status of seized parcels.

22. On April 14, 2018, I reviewed USPS business records and determined customers made four (4) inquiries on USPS.com between April 10, 2018 and April 12, 2018 to determine the

status of the Subject Parcel. No one contacted the USPIS to inquire about the status of the Subject Parcel.

23. I reviewed USPS business records and identified twenty one (21) parcels sent from the Fort Meyers, Florida metro area to the recipient address since November 2017. Fourteen (14) of the parcels were mailed since January 2018. The majority of these parcels weighted between 1.06 and 1.38 pounds and were mailed from five different Post Offices.

24. On April 19, 2018, I opened the Subject Parcel pursuant to a Federal search warrant. I located \$9,000 in U.S. currency in a vacuum seal bag, wrapped in a USPS Priority Mail bubble mailer, wrapped in a USPS Priority Mail Express Tyvek envelope, and in a USPS Priority Mail Express cardboard envelope. I know from my training and experience that mailers of illegal controlled substances and the proceeds of the sale of illegal controlled substances package parcel contents in this manner to conceal the contents of the parcels to avoid detection by law enforcement. Photos of the concealment methods are included as Attachment 1 to this declaration.

25. Based on my training and experience, the following characteristics of the Subject Parcel are consistent with drug trafficking: the Subject Parcel's postage was paid for with cash; the sender and recipient are not associated with the sender or recipient addresses; the phone number listed for the sender is for a hospital located in a completely different part of the state; there is no telephone number displayed for the recipient; customers made multiple inquires of the status of the Subject Parcel on USPS.com, but no one contacted the USPIS to inquire about the status of the Subject Parcel; there are twenty one additional parcels sent from Fort Meyers, Florida to the recipient address since November 2017; the Subject Parcel appeared to contain drugs or drug

proceeds, based on the positive canine examination result detailed above; and the parcel contained U.S. currency concealed in a manner consistent with the mailing of the proceeds of the sale of proceeds of the sale of illegal controlled substances.

CONCLUSION

26. Based on the foregoing information, I have probable cause to believe, and do believe, that the \$9,000 in U.S. currency seized from the Subject Parcel is subject to forfeiture pursuant to 21 U.S.C. §881(a)(6), as moneys furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to such an exchange, or moneys used or intended to be used to facilitate violations of 21 U.S.C § 801, et. seq.

27. I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Executed this 2nd day of August 2019.

/s/ Adam Sale
ADAM SALE
Postal Inspector
United States Postal Inspection Service

Attachment 1



Declaration of Adam Sale

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FOR FORFEITURE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|----------------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____